

***Comment Summary:***  
***Offshore wind energy data tower project proposed***  
***by Winergy, LLC***

**File Number: 200201973**

**Prepared for:**  
**US Army Corps of Engineers**  
**New England District**  
**696 Virginia Road**  
**Concord, MA 01742-2751**

**June 2003**

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## **INTRODUCTION**

In January 2003, the U.S. Army Corps of Engineers (USACE), New England District (“the District”), received an application from Winergy, LLC for a permit under Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act to install, operate, and maintain a fixed tower and associated oceanographic instrumentation in ocean waters approximately 7 nautical miles southeast of Nantucket Island off the coast of Massachusetts. Public notice was issued on January 30, 2003, with a comment period extended to May 16, 2003. To facilitate public comment, the District requested public comments to be submitted to the District in writing by May 16, 2003. All interested Federal, State and local agencies, affected Indian tribes, interested private and public organizations, and individuals were invited to submit public comment. The attached Comment Summary document summarizes comments received by the District during the public comment period. This Comment Summary document does not replace the comments themselves; it is merely a tool to organize the comments received into subject matter categories.

Commenters are listed in alphabetical order in Table 1, with their corresponding Commenter Number. All Commenters provided their testimony in writing.

**Table 1. PUBLIC, STATE, FEDERAL, AND NON-PROFIT ORGANIZATION COMMENTERS**

<b>Commenter Number</b>	<b>Commenter</b>	<b>Commenter Organization</b>
1	Almy, Jessica	The Humane Society of the United States
2	Bartlett, Michael	U.S. Fish and Wildlife Service
3	Colosi, Peter D. Jr.	National Marine Fisheries Service Northeast Region, NOAA
4	Curley, Tracey	Marine and Coastal Resource Department, Town of Nantucket
5	Diodati, Paul	Division of Marine Fisheries, Commonwealth of Massachusetts
6	Eaton, Cynthia	representing self (email)
7	Hicks, Toni	Conservation Law Foundation
8	Mastone, Victor T.	Board of Underwater Resources, EOEa, Commonwealth of Massachusetts
9	O'Leary, Robert	State Senator, Cape and Island District, Commonwealth of Massachusetts
10	Oynes, Chris C.	Minerals and Management Services, US Department of the Interior
11	Segalini, Sandro	representing self (email)
12	Simon, Brona	Office of Coastal Zone Management, EOEa, Commonwealth of Massachusetts
13	Skinner, Tom	Office of Coastal Zone Management, EOEa, Commonwealth of Massachusetts
14	Taylor, Jo-Ann	Martha's Vineyard Commission
15	Williams, S. Jeffress	Town of Falmouth Conservation Commission
16	Yearley, Douglas C.	Alliance to Protect Nantucket Sound

## **1.0 COMMENTS**

### **1.1 REGULATIONS AND PERMITTING**

**COMMENT:** The Commenter is interested in establishing a regulatory regime to govern the permitting, leasing, construction, maintenance, and oversight of the wind energy facilities.  
[15]

**COMMENT:** The Commenter states that an individual federal consistency review will be required for the data tower project, affording the applicant an opportunity to work with regulators to design environmental studies that will be responsive to permitting requirements.  
[13]

**COMMENT:** The Commenter requests that as a condition of any permit issued relating to the data tower proposal, project proponents be required to offer a bond for the removal of the tower once data collection activities are completed.  
[9]

**COMMENT:** The Commenter would like Winergy LLC to submit a preliminary environmental report, summarizing existing scientific information including biological, chemical, physical, cultural, and other resources of Nantucket Shoals that may be affected by the data tower.  
[2]

**COMMENT:** The Commenter is in favor of granting a permit as long as all the data resulting from the study are provided to the USACE and become publicly available.  
[15]

**COMMENT:** The Commenter is interested in the installation of the data tower because the proposed collection devices represents an opportunity to evaluate potential impacts to avian, marine, aesthetic, commercial, and recreational resources, and to establish environmental baselines in the project area.  
[13]

**COMMENT:** The Commenter is interested in the USACE evaluating the sonic detection and ranging SODAR acoustic wind measurement device as an alternative to the proposed fixed tower design. The Commenter is also interested in the Corps evaluating the feasibility of using the wind data from the Cape Wind data tower located in Nantucket Sound for wind projects on Nantucket Shoals singly and in combination with data from the SODAR device as an alternative to the pile-supported structure. The Commenter is interested in knowing the length of time the proposed data tower would be needed. The Commenter would like a permit for government agencies and a university to have access to all the scientific data collected by instruments or other devices on the tower or in conjunction with it as the structure is placed in the public domain, on OCS lands.  
[2]

**COMMENT:** The Commenters are concerned that the right of the USACE to issue permits such as this is currently the subject of litigation, and until this issue is resolved, no such permit should be issued.

[1, 16]

## **1.2 ENERGY TECHNOLOGY**

**COMMENT:** The commenter is interested in reducing energy consumption Massachusetts, and identifying and developing domestic energy alternatives to the traditional use of fossil fuels. Another Commenter is supportive of alternative, renewable energy projects.

[13, 15]

**COMMENT:** The Commenter is interested in conducting assessments so as to determine if wind energy generation is in the long-term public interest.

[15]

## **1.3 ECONOMIC VIABILITY**

**NO COMMENT**

## **1.4 WINERGY, LLC**

**NO COMMENT**

## **1.5 PROJECT GUARANTEE**

**NO COMMENT**

## **1.6 ALTERNATIVES**

**NO COMMENT**

## **1.7 PLACEMENT**

**COMMENT:** The Commenter is interested in knowing if data towers have been proposed for the other alternative sites. The Commenter is interesting in knowing if the data collected from Winergy's tower can be used for the Cape Wind project.

[5]

## **1.8 CONSTRUCTION, MAINTENANCE, AND OPERATIONS**

**COMMENT:** The Commenter is concerned about the final design and the design standards of the tower in relation to the area in which it will be placed, and is also concerned whether the design is adequate in terms of construction feasibility.

[2]

**COMMENT:** One Commenter is interested in knowing the functional life of the data tower, particularly the structural life, and if there are any provisions that have been made for its removal. One Commenter is interested in knowing if the tower will be dismantled if it fails due to salt air corrosion.

[4, 5]

## **1.9 PUBLIC HEALTH**

**NO COMMENT**

## **1.10 PUBLIC SAFETY**

**NO COMMENT**

## **1.11 AESTHETIC AND AUDITORY IMPACTS**

**COMMENT:** The Commenter is concerned about the aesthetic impacts.

[4]

**COMMENT:** The Commenter states that they would welcome the aesthetics of the data collection tower.

[11]

## **1.12 ENVIRONMENT**

**COMMENT:** Some Commenters are concerned with the impacts on migratory birds, particularly the Roseate Tern, and their feeding grounds. Some Commenters are concerned with the impacts on migratory sea ducks and birds, including populations of oldsquaw, eiders, gannets, mergansers, buffleheads, goldeneye, and scoters. One Commenter requests that no light be placed on the upper portion of the structure, in the interest of avian resources, unless the FAA determines lighting to be necessary, in which case it is recommended that the least intrusive system be adopted.

[1, 2, 4, 6]

**COMMENT:** Some Commenters are concerned with the impacts on whales (e.g., right whale) and fish populations, with particular concern about the vibrations and potential increased noise.

[1, 4]

**COMMENT:** The Commenters state that the estimate of disturbance to the sea floor due to data tower construction may be underestimated. One Commenter is concerned about the amount of sedimentation that will result from the installation of the tower.

[4, 10]

**COMMENT:** The Commenter states that the placement of riprap at the tower base for scour protection is likely to have a beneficial effect by providing a hard ground to which sessile

benthic animals may anchor, thereby serving as a habitat for the many and various fish species inhabiting this shallow shelf area.

[10]

**COMMENT:** One Commenter is concerned about the long-term impacts to the marine environment.

[4]

### **1.13 FISHING, BOATING, AND RECREATION**

**COMMENT:** The Commenters states that the proposed project involves essential fish habitat (EFH). One Commenter recommends that the project be guided by the requirements of the EFH regulation at 50 CFR 600.905, with additional permitting obligations at 33 CFR Parts 320 through 330 and 40 CFR Part 230. One Commenter states is concerned that the test tower lies in EFH for multiple species, include Atlantic cod, haddock, redfish, winter flounder, Atlantic halibut, Atlantic sea herring, bluefish, long finned squid, short finned squid, scup, black sea bass, surf clam, ocean quahog, spiny dogfish, blue shark, dusky shark, shortfin mako shark, sandbar shark, and bluefin tuna.

[1, 3, 6, 7, 14]

**COMMENT:** The Commenter is interested in knowing why the Federal Aviation Administration aircraft warning lights would be located on the platform railing.

[2]

**COMMENT:** The Commenter recommends that the USACE ensure that 1) the U.S. Coast Guard and area mariners are apprised of a new shipping and boating obstruction in appropriate bulletins, 2) the data structure be equipped with visual and audio proximity warning systems, and 3) all navigation charts issued to mariners be updated noting the presence of the structure.

[10]

**COMMENT:** The Commenter requests information regarding shellfish and other benthic resources at the site.

[5]

### **1.14 TOURISM**

**NO COMMENT**

### **1.15 HISTORICAL AND ARCHEOLOGICAL VALUE**

**COMMENT:** The Commenter is concerned about the potential impacts to properties listed, or eligible for listing, in the National Register of Historic Places. One Commenter would like the USACE to provide a visual analysis (e.g., a computer generated study and/or photographic simulations) of the proposed visual effects on the character and setting of Nantucket Island, both during the daytime and the nighttime.

[10, 12]



**COMMENT:** One Commenter states that research suggests that in addition to known shipwreck sites in the vicinity of Nantucket Shoal and numerous reported vessel losses for which accurate locations are not readily determined, there exists a high probability that heretofore-unknown historic and prehistoric cultural resources are located in the proposed project vicinity. One Commenter states that the project area may be archeologically sensitive for drowned ancient Native American sites.

[8, 12]

**COMMENT:** One Commenter suggests that the applicant perform an examination or survey of the sea bottom before excavation of the data tower begins, to avoid possible irreparable loss of archeological resources. Some Commenters suggest that the applicant secure services of a qualified marine archeologist in developing an adequate survey design.

[8, 10, 12]

#### **1.16 PROPERTY VALUES**

***NO COMMENT***

#### **1.17 PUBLIC AND LOCAL INVOLVEMENT**

**COMMENT:** The Commenter requests a public hearing on Cape Cod and specifically Nantucket Island, regarding the permit application and intentions in relation to the proposed data tower and wind farms.

[9]

**COMMENT:** The Commenter requests that the data resulting from the study are publicly available.

[15]

#### **1.18 LOCAL ECONOMY**

***NO COMMENT***

#### **1.19 ECONOMIC BENEFITS**

***NO COMMENT***